

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

**John Black,**  
Petitioner-Appellant,

v.

**Black Hawk County Board of Review,**  
Respondent-Appellee.

**ORDER**

**Docket No. 11-07-1572**  
**Parcel No. 8914-25-127-053**

On September 7, 2012, the above-captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioner-Appellant John Black requested his appeal be considered without hearing. He was self-represented and submitted evidence in support of his appeal. Attorney David Mason was counsel for the Black Hawk County Board of Review. The Appeal Board now having examined the entire record and being fully advised, finds:

***Findings of Fact***

John Black, owner of property located at 211 Cordoba Avenue, Cedar Falls, Iowa, appeals from the Black Hawk County Board of Review decision reassessing his property. According to the property record card, the subject property is a two-story, frame dwelling built in 1994 with 2800 square feet of total living area. The dwelling has a full basement with 1275 square feet of finish, a 240 square-foot open porch, and a 472 square-foot wood deck. It also has an 896 square-foot, attached garage. The dwelling has a 2-10 grade (high quality), is in normal condition, and is situated on 0.319 acres.

The real estate was classified as residential on the initial assessment of January 1, 2011, and valued at \$401,710, representing \$45,590 in land value and \$356,120 in dwelling value.

Black protested to the Board of Review on the grounds that the assessment was not equitable as compared with assessments of other like property in the taxing district under Iowa Code section 441.37(1)(a)(1) and that the property is assessed for more than the value authorized by law under section 441.37(1)(a)(2). He claimed the actual value of the property was \$333,670, allocated \$46,340 to land value and \$287,330 to dwelling value. This was the property's 2010 assessed value, which Black believed was acceptable. Black also wrote in the section asserting a ground of error in the assessment; however, he essentially reiterated his claim of over-assessment. The Board of Review denied the protest.

Black then filed his appeal with this Board and claimed the same grounds.

Black asserts the current assessment is far above market value. He states the real estate climate over the last three years does not support his property's assessment increase. He notes his home is older and no improvements have been made to it in the past four years. Black contends his property's assessment increased at a greater rate than other properties in his area and increased over 20% between 2010 and 2011. Black reports the 2011 assessment is 27% above the 2007 purchase price of his property at \$316,000, whereas other properties in his area have only increased 7% on average during the same period.

To support his claims, Black first provided five sales of two-story homes in Cedar Falls that sold between September 2010 to April 2011. The properties' sale prices range from \$117.62 per square foot to \$160.28 per square foot. The sales prices were not adjusted to account for differences between the properties and the subject, such as age, condition, basement finish, lot size, construction quality grade, and other features. Nevertheless, we note the subject property's assessed value (\$143.47 per square foot) falls within the unadjusted range of the comparable properties' sale prices on a per-

square-foot basis and within the range of the properties' assessed values per square foot. The following chart lists the sales and the properties' assessments.

Address	Year Built	TSFLA	Sale Date	Sales Price	\$SPSF	Reported Assessed Value <sup>1</sup>	Assessed Value PSF
Subject	1994	2800				\$401,710	\$143.47
711 Eagle Ridge	1999	2493	4/15/2011	\$ 353,000	\$ 141.60	\$365,020	\$146.42
306 Spruce Hills	2006	2236	10/29/2010	\$ 309,900	\$ 138.60	\$334,870	\$149.76
335 Corduroy	2007	2542	9/17/2010	\$ 299,000	\$ 117.62	\$309,860	\$121.90
2405 Erik	2003	2042	11/24/2010	\$ 287,000	\$ 140.55	\$274,440	\$134.40
1621 Quail Run	2007	1956	9/14/2010	\$ 313,500	\$ 160.28	\$330,190	\$168.81

Before this Board, Black submitted additional evidence of sales that occurred between 2007 and 2011. Black created several different charts listing the sales and amenities and comparing them to his property. Rather than include his charts, we have listed all of the sales on the chart below. We note some of the figures listed in Black's charts reflected total finished square feet rather than above grade square feet, which we use as a comparison for assessment purposes.

Address	Year Built	TSFLA	Sale Date	Sales Price	\$SPSF	Reported Assessed Value <sup>2</sup>	Assessed Value PSF
Subject	1994	2800				\$401,710	\$143.47
620 Juanita	1992	2614	11/17/2010	\$ 295,000	\$ 112.85	\$304,040	\$116.31
5423 Ironwood	2004	2500	07/18/2011	\$ 292,500	\$ 117.00	\$294,220	\$117.69
306 Spruce Hills	2006	2236	10/29/2010	\$ 309,900	\$ 138.60	\$322,780	\$144.36
3413 Pheasant	1993	3640	04/08/2010	\$ 312,000	\$ 85.71	\$403,790	\$110.93
711 Eagle Ridge	1999	2493	04/15/2011	\$ 353,000	\$ 141.60	\$374,760	\$150.32
2703 Glen Oaks	2000	2546	06/07/2007	\$ 360,000	\$ 141.40	\$349,160	\$137.14
1601 Ashworth	2005	2959	02/27/2012	\$ 342,500	\$ 115.75	\$360,010	\$121.67
5407 Applewood	2005	2452	09/23/2011	\$ 303,000	\$ 123.57	\$296,430	\$120.89
606 Maucker	1992	2614	06/21/2012	\$ 266,000	\$ 101.76	\$306,000	\$117.06
4104 Sable	1990	2728	07/19/2012	\$ 295,700 <sup>3</sup>	\$ 108.39	\$301,390	\$110.48

<sup>1</sup> Black reported the properties' assessed value on the Board of Review form. We cannot confirm the accuracy of the assessment, nor the assessment year reflected by the reported value, because no property record cards were provided for these properties.

<sup>2</sup> Black reported the properties' assessed value on the Board of Review form. We cannot confirm the accuracy of the assessment, nor the assessment year reflected by the reported value, because no property record cards were provided for these properties.

<sup>3</sup> There is a discrepancy between the sale price listed in Exhibit 2 (\$295,300) and in Exhibit 6, the MLS listing (\$295,700).



Again, the sale prices were unadjusted to account for differences in the properties. The properties' sale prices range from \$85.71 per square foot to \$141.60 per square foot. The subject property's assessed value falls slightly above (+\$1.87) the upper end of the this range. It also falls within the range of assessed value per square foot. Without adjustments to these properties, however, we cannot conclude that they are sufficiently comparable to the subject property.

Also, Black attached the property record card for a dwelling next to his at 219 Cordoba Avenue. He reports this property is the same style as his, is newer, and was built by the same builder; yet, its assessed value is \$331,120. Although Black's property is three years older than 219 Cordoba, it is superior in the size of living area, basement, basement finish, garage, porch, and deck, which could account for the \$70,590 difference in the two assessments. The following chart compares the two properties.

Property	Acres	TSFLA	Year Built	Base SF	Base Fin SF	Deck SF	Open Porch SF	Garage SF	Assessed Value
Subject Property	0.319	2800	1994	1520	1275	472	240	896	\$ 401,710
219 Cordoba	0.328	2432	1997	1216	850	280	190	576	\$ 331,120

Additionally, Black submitted a letter authored by realtor Gale Shinkle of Trapp Realtors in Cedar Falls who is familiar with the Black property and the Cedar Falls housing market. Shinkle sold the property to Black in 2007. In Shinkle's opinion, Black's property has a market value of between \$334,000 and \$336,000. To arrive at her conclusion, it appears Shinkle limited her search of sales based on a predetermined range (\$350,000 to \$400,000), rather than looking for properties with features comparable to the subject property. Shinkle notes this list shows all of the properties that sold in that range were newer homes than the subject. We note that this one fact does not mean the properties are incomparable for assessment purposes, but instead it is one factor to consider adjusting for in an analysis. Shinkle also noted these properties have new features that the subject does not. She

does not, however, elaborate on this statement. Again, these would be points of consideration in an analysis. She then modified her search range to \$300,000 to \$350,000 sales within the past two years. She believes this data supported a similar conclusion that most of the sales properties were built after 2000. While Shinkle's exhibits would tend to support the claim that the subject property may be assessed for more than its market value, she first chose a predetermined sales range rather than look for properties that were most comparable to the subject property. Additionally, she made no adjustments to any of the sales to account for differences between them and the subject. Instead, she broadly concluded the subject property was over assessed.

Reviewing all the evidence, we find the preponderance of the evidence does not support Black's claims of inequitable assessment or over-assessment.

### ***Conclusions of Law***

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2011). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). "Market value" essentially is defined